

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

heightened (HEIGHTENED INDEPENDENCE & PROGRESS), INC., et al.,	:	Civil Action No. 07-2982 (SRC)
Plaintiffs,	:	OPINION & ORDER
v.	:	
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY,	:	
Defendant.	:	
	:	
	:	

CHESLER, District Judge

This matter comes before the Court upon Plaintiffs Heightened Independence and Progress, Inc. and United Spinal Association's (collectively "Plaintiffs") motion for attorneys' fees and costs [docket entry #107]. Plaintiffs moved for attorneys' fees and costs after this Court granted Plaintiffs summary judgment on their claims under the Americans with Disabilities Act, 42 U.S.C. § 12133 ("ADA") [docket entry #106]. Thereafter, Defendant The Port Authority of New York and New Jersey, timely appealed this Court's decision to the Third Circuit Court of Appeals [docket entry #109]. On September 11, 2012, the Third Circuit vacated this Court's judgment and remanded for further proceedings [docket entry #175]. This Court's grant of summary judgment in favor of Plaintiffs having been reversed, Plaintiffs are not prevailing parties under the ADA and are therefore not entitled to attorneys' fees and costs.

For these reasons,

IT IS on this 14th day of November, 2012,

ORDERED that Plaintiff's motion for attorneys' fees and costs [docket entry #107] be

and hereby is **DENIED**.

s/ Stanley R. Chesler

STANLEY R. CHESLER

United States District Judge